

**REMARKS**

In the Office Action, the Examiner rejected claims 1-52 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 2005/0243993 to *McKinzie* et al. ("*McKinzie*")<sup>1</sup>.

Applicants respectfully traverse the rejection for the following reasons.

**I. The Examiner Has Not Established That *McKinzie* is Prior Art Against the Claims of This Application**

*McKinzie* has a filing date of July 8, 2005, and is a continuation of Application No. 10/245,324, filed on September 18, 2002 ("the '324 Application"). However, the current application claims priority as a continuation-in-part of U.S. Patent Application Nos. 10/083,793, 10/083,792, 10/083,884, and 10/083,822, each of which was filed on February 27, 2002. The above-identified priority applications in turn claim priority to U.S. Provisional Patent Application Nos. 60/272,122 and 60/272,167, filed February 27, 2001, 60/275,667, 60/275,719, 60/275,020, 60/275,031, filed March 13, 2001, and 60/276,505, filed March 19, 2001.

Each of the above-identified priority applications was filed before *McKinzie*'s '324 application. This application also claims priority to two provisional applications filed after *McKinzie*'s '324 application, namely U.S. Provisional Patent Application Nos. 60/428,704, filed November 25, 2002, and 60/436,018, filed December 26, 2002. However, the claims of this application are supported by the provisional and CIP

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

applications that antedate *McKinzie's* '324 application. For example, claim 1 is supported by at least by U.S. Provisional Application No. 60/275,031, filed March 13, 2001 - before *McKinzie's* '324 application. Therefore, the Examiner has not established that *McKinzie* is prior art against the claims of this application.

Because the Examiner has not established that *McKinzie* is prior art against the claims of this application, the rejection of the claims under 35 U.S.C. § 102(e) is improper. Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

**II. The Office Action Has Not Addressed All the Recitations of the Claims**

M.P.E.P. § 706.02(j) states that the Office Action should set forth "the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)" (emphasis added). Moreover, 37 C.F.R. § 1.104(c)(2) states, "when a reference is complex or shows or describes other inventions other than that claimed by applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." (emphasis added). The Office Action does not meet the burden of identifying the particular part of *McKinzie* relied upon as nearly as practicable "for each rejected claim."

The Office Action fails to distinguish among independent claims 1, 9, 18, 25, 29, 33, and 34. The Office Action merely addresses the recitations of independent claim 1, and rejects independent claims 9, 18, 25, 29, 33, and 34 for the same reasons as claim

1 (Office Action at p. 2). However, claims 9, 18, 25, 29, 33, and 34 each recite subject matter not recited in independent claim 1, and not addressed in the Office Action. For example, claim 9 recites a method for contact management comprising "providing access to a contact source, the contact source including at least one listing representing a communication between the user and a second party." The Office Action has not identified any teaching or suggestion in *McKinzie* that corresponds to the claimed "listing representing a communication between the user and a second party." As another example, claim 18 recites a method for contact management comprising "receiving a request to add a contact to the address book, wherein the contact is a party with which the user communicated prior to making the request." The Office Action has not identified any teaching or suggestion in *McKinzie* that corresponds to the claimed "request to add a contact to the address book." Moreover, the Office Action has not identified any teaching or suggestion in *McKinzie* that corresponds to the claimed "party with which the user communicated prior to making the request."

The Office Action's failure to address all the recitations of the claims is improper, and, should the Examiner maintain the rejection, Applicants respectfully request that the next Office Action identify the relevant teachings of the references as they pertain to the claimed invention, as required by the M.P.E.P. and by 37 C.F.R. § 1.104(c)(2).

### **III. Conclusion**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: \_\_\_\_\_



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